

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

No.1:21-cv-880

LILITH CAMPOS, C.B., by his parent and  
next friend, SHELLEY K. BUNTING; and  
M.D., by her parent and next friend, KATH-  
ERYN JENIFER,

*Plaintiffs,*

v.

MANDY COHEN, in her official capacity  
as Secretary of North Carolina Department  
of Health and Human Services; MARK  
BENTON, in his official capacity as Assis-  
tant Secretary of Public Health; and CLAR-  
LYNDA WILLIAMS-DEVANE, in her of-  
ficial capacity as State Registrar and Direc-  
tor of the North Carolina State Center for  
Health Statistics,

*Defendants.*

**DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO FILE A  
RESPONSIVE PLEADING**

NOW COME Defendants Mandy Cohen, Mark Benton, and Clarlynda Williams-Devane, each in their official capacity, ("Defendants"), making appearance by and through the undersigned counsel, pursuant to Fed. R. Civ. P. Rules 6(b) and 12(a), and Local Rule 6.1, and hereby move the Court to extend the time in which to answer or otherwise reply and serve a response to the Complaint by forty-five (45) days, up to and including February 4 , 2022. In support of this motion, Defendants show the Court the following:

1. Plaintiffs filed the Complaint in this action on November 16, 2021. (D.E. #1)
2. On November 30, 2021 Defendants received via certified mail a copy of the summons and the complaint in this matter.

3. Defendants' answer or other response to the complaint is due on December 21, 2021 and the original time to file a response has not expired.
4. The Defendants need additional time to review the case to determine the proper response to the Complaint, and to have preliminary discussions with Plaintiffs.
5. The upcoming holidays reduce the time available for Defendants to prepare an answer or otherwise respond to the Complaint.
6. The Defendants seek an extension of time of forty-five (45) days, up to and including February 4, 2022, in which to file and serve an answer or otherwise respond to the Complaint.
7. The relief requested herein is for good cause and will not result in the undue delay in the administration of this case.
8. Defendants have not sought any previous extension of time in this matter.
9. The undersigned counsel has consulted with Counsel for Plaintiffs on this motion, and Plaintiffs have no objection to a forty-five (45) day extension,

WHEREFORE, Defendants respectfully request that the motion be granted, and that their time to file its Answer or otherwise respond to Plaintiffs' Complaint be extended by forty-five (45) days, up to and including February 4, 2022.

Respectfully submitted, this the 17<sup>th</sup> day of December, 2021.

JOSHUA H. STEIN

Attorney General

/s/ John P. Barkley

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*Counsel for the Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the foregoing DEFENDANTS' *MOTION FOR EXTENSION OF TIME TO FILE A RESPONSIVE PLEADING* with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record.

This the 17<sup>th</sup> day of December, 2021.

/s/John P. Barkley  
John P. Barkley  
Assistant Attorney General